

# TOWN OF GILL

MASSACHUSETTS



[www.gillmass.org](http://www.gillmass.org)

## SELECTBOARD MEETING MINUTES

*July 15, 2013*

Call to Order: The Selectboard meeting was called to order at 4:30 PM.

Present: John Ward, Ann Banash, and Randy Crochier, Selectboard members; Ray Purington, Admin. Assistant; Nancy Griswold, Chris Polatin, Janet Masucci, and David Detmold.

Letter to FERC RE FirstLight: The Board discussed a joint letter from the Selectboard and Conservation Commission to the Federal Energy Regulatory Commission (FERC) regarding the ongoing relicensing process for FirstLight's Turners Falls Dam and Northfield Mountain Pumped Storage Projects. The letter offers the Town's comments on the Updated Proposed Study Plan and Studies not Included in the Proposed Study Plan. It points out flaws in the methodologies that are being proposed, and calls attention to areas that the Town would like studied. Members of the Board spoke of the importance of the Town remaining actively involved in and watchful of the relicensing process.

Randy made a motion, seconded by Ann, to sign the letter and submit it to FERC. The vote was unanimous in the affirmative. Ann stated that she will abstain from signing the letter, as she has already signed a similar letter submitted by the FRCOG's Executive Committee. Chris Polatin, a member of Gill's Conservation Commission, offered to work with Kimberly Noake MacPhee (FRCOG) to get the letter filed electronically ahead of today's 5:00pm deadline.

Minutes: Ann made a motion, seconded by Randy, to accept the minutes from 4/29, 5/28, 6/3, 6/6, and 7/1. The vote was unanimous in the affirmative.

Town Hall Roof: Ray reported that the roof project is complete. One punch list item (painting clapboards that were trimmed back) has been addressed; the other (sealant in a seam on the front ledge flashing) was determined to be unnecessary. Complete and final payment to RCI Roofing is in the vendor warrant to be approved tonight.

Energy Audit: Bart Bales estimates that his energy audit report will be ready on August 16<sup>th</sup>.

Sewer I&I Study: No new information from Tighe & Bond. Ray noted that pump station readings for April-June were the highest for a single quarter going back to at least 2005.

Community Shared Solar: Nothing new to report. Ray is still waiting for a response to his questions to the Ethics Division about any potential conflicts of interest he may have – questions that were emailed on June 26<sup>th</sup>. Others who might be involved in a town solar project were urged to contact Ethics.

School Parking Lot: Randy reported that he met with Highway Superintendent Mick LaClaire and Principal Kathleen Adams at the Elementary School to look at options for the paving project there. They identified potential ways to reconfigure the uses of the upper and lower parking lots, which may eliminate the need to widen the lower lot by 10 feet. It was learned that the reason for the new guardrail along the Boyle Road side of the lower parking lot was to prevent vehicles from driving across the lawn directly onto Boyle Road. It is thought that the tightness of the lot contributes to drivers' decisions to "take the easy way out." The shortcut traffic across the lawn was causing problems for the District's maintenance staff doing lawn care, and they proposed the guardrail as a solution.

Fire Department Purchase Orders: The Board reviewed and approved a list of annual Fire Department expenses that are in excess of the \$500 purchase order threshold.

Nancy Griswold left the meeting at 4:43pm.

NMH Donation and Fire Hoses: Ray presented a request from the Fire Chief for an FY14 allotment from the NMH Donation account to purchase replacement fire hose. There was a \$5,000 allocation for the same purpose in FY13. The Board indicated support for the request, but first asked for a report from the Fire Department on the quantity, condition, and replacement schedule of its various hoses. The Board also directed Ray to send a letter to Peter Fayroian, Head of School at NMH, requesting this year's donation. The letter will also include an open invitation to everyone on the NMH campus to attend Town Meeting and participate in town government.

Sewer Abatement: Acting as Sewer Commissioners, Ann made a motion, seconded by Randy, to grant abatement of \$17.58 to Jeff Suprenant for metered water used for filling a hot tub. The vote was unanimous in the affirmative.

Attorney Diane Sievers and Treasurer Ronnie LaChance (a Notary Public) joined the meeting at 5:00pm.

Chapter 61B Right of First Refusal: The Board considered the Town's Right of First Refusal (ROFR) for a property being removed from Chapter 61B. The ROFR allows the Town to purchase a Chapter 61/61A/61B property by matching the bona fide offer of another buyer. The land is 16.44 acres located at 91 Main Road and belongs to the Estate of Martin Yarnac. The buyer, Wesley Johnson, has indicated his intent to remove the land from Chapter, and requested the Town release the Assessor's Chapter 61B lien and waive its ROFR.

Ray explained that the lien, rollback taxes, and ROFR would disappear naturally five years after a landowner removes property from the Chapter program. However, upon advice from DOR, in order to clear the lien and ROFR immediately, the complete 120-day ROFR process was triggered. The Town completed the process in just over 30 days. Ray reported that the Planning Board and Board of Assessors have no objection to the Town waiving its ROFR, and that the Conservation Commission took no position on the matter. Rollback taxes will be assessed as part of the sale.

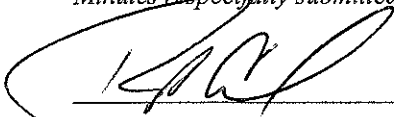
Ann made a motion, seconded by Randy, to waive the Town's Right of First Refusal. The vote was unanimous in the affirmative. The Board signed a waiver document, and it was notarized. Attorney Sievers and Ronnie LaChance left the meeting at 5:07pm.

David Detmold and Janet Masucci left the meeting at 5:07 PM.

Warrant: The Board reviewed and signed FY 2014 warrant #2.

The meeting adjourned at 5:37 PM.

*Minutes respectfully submitted by Ray Purington, Administrative Assistant.*

  
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Randy P. Crochier, Selectboard Clerk

# TOWN OF GILL

M A S S A C H U S E T T S



[www.gillmass.org](http://www.gillmass.org)

July 15, 2013

Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Northfield Mountain Pumped Storage Project, FERC No. 2485-063  
Turners Falls Project, FERC No. 1889-081

Comments on the Updated Proposed Study Plan (PSP) Section 3.1 Geology and Soils  
3.1.1 *2013 Full River Reconnaissance Study* and 3.1.2 *Northfield Mountain/Turners Falls  
Operations Impact on Existing Erosion and Potential Bank Instability* and Section 4.0 Studies  
not Included in the PSP, 4.1 Geology and Soils, 4.1.1 *Study of Shoreline Erosion Caused by  
Northfield Mountain Pumped Storage Operations*

Dear Secretary Bose:

The Town of Gill is taking this opportunity to remain actively engaged in the process of relicensing the Turners Falls Dam and Northfield Mountain Pumped Storage Projects.

The Town Of Gill, incorporated in September 28, 1793, is situated on the west bank of the Connecticut River, extending from just below the Route 10 Bridge to the Turners Falls Dam.

The Connecticut River has been closely tied to and is an integral part of the Town's development and community history. The Town boundaries include over twelve miles of shoreline on the Connecticut River. Through its appointed Conservation Commission, the Town has an important regulatory role in accordance with the Massachusetts Wetlands and River Protection Acts.

The Town of Gill has active members on the Connecticut River Streambank Erosion Committee (CRSEC), a committee of the Franklin Regional Council of Governments' (FRCOG). The CRSEC,

convened in 1994 and formalized by FERC in the 1999 Erosion Control Plan, brings together the Northfield Mountain Pumped Storage Project operator, state and municipal entities, landowners, and NGO's to select and prioritize bioengineering projects to stabilize and repair areas of bank erosion in the Turners Falls Pool. More recently, the Landowners and Concerned Citizens for License Compliance and the CRSEC attempted to work with FirstLight to develop a suitable Quality Assurance Project Plan (QAPP) and appropriate methodology for the 2013 FRR, but the QAPP has not been finalized since FirstLight stopped collaborating on the Plan.

The Town acknowledges the importance of FirstLight as a taxpayer in Gill, as an employer, and as a patron of local businesses. FirstLight also demonstrates an ability to serve as a steward of the River. Its hard work and leadership in the annual Connecticut River Watershed Council's Source to the Sea cleanup makes a difference toward the ongoing cleanliness of our waterways and watershed.

We are increasingly aware, however, of the costs of the two Projects to the riverbanks, the habitat, and water quality. The relicensing process is a once-in-a-lifetime opportunity to ensure that impacts on these areas are fully understood and defined.

Despite submitting three versions of Geology and Soils section of the Proposed Study Plan to stakeholders, with the third version made available to stakeholders on June 28, 2013, FirstLight continues to disregard the detailed comments and concerns expressed by stakeholders at the study plan meetings and in previous correspondence with FERC. We find the updated study plans for Geology and Soils unacceptable because of numerous flaws and lack of clearly stated goals, objectives and deliverables, as detailed in the FRCOG's comment letter. FirstLight has not followed through to develop a Quality Assurance Project Plan that would serve as the basis for these studies. We urge FERC to require FirstLight to work with stakeholders to complete a credible QAPP, and to then undertake studies that are based on technically defensible science. The mandatory conditioning agencies and stakeholders must have confidence in the collection and analysis of data that will be used to evaluate the potential impacts that project operations have on the river and its resources.

We urge FirstLight to take the time to effectively address resource management goals and public interest considerations.

#### Comments:

We would like to express our strong support of the detailed comments submitted to you by the Franklin Regional Council of Governments (FRCOG).

We assert that bank erosion is the principal environmental problem in the Turners Falls Pool and impacts all the other resources listed in the Proposed Study Plan – Water Resources; Fish and Aquatic Resources; Terrestrial Resources; Wetlands, Riparian and Littoral Habitat; Recreation and Land Use; Cultural Resources; and Developmental Resources. We urge FERC to require FirstLight to develop clear and scientifically defensible studies that will provide valid and useful data about the impacts of project operations on river bank stability and erosion in the Turners Falls Pool.

As an example, we are concerned that the findings, conclusions and recommendations of the *Fluvial Geomorphology Study of the Turners Falls Pool on the Connecticut River Between Turners Falls, MA and Vernon, VT*, prepared by Field Geology Services of Farmington, ME (Field, 2007) have not been taken into consideration by the licensee in the formulation of their proposed Study Plans to gather information on the geology and soils of the Turners Falls Pool. Dr. Field's study was commissioned by FirstLight to "understand the causes of bank erosion and identify the most appropriate methods for bank stabilization on this section of river." We believe that Dr. Field's work is a comprehensive, well researched and scientifically-based document.

### 3.1 Geology and Soils

#### Proposed Study 3.1.1 2013 Full River Reconnaissance Study

**The proposed methodology for the 2013 FRR is exactly the same as that used in 2008, which is unacceptable.** We assert that the 2013 FRR study plan is not adequate for compliance or relicensing purposes. We are disappointed that the detailed, comprehensive comments prepared by the FRCOG and other stakeholders, including the Town of Gill, on the 2008 FRR methodology, the final report for the 2008 FRR, and the QAPP and proposed methodology for the 2013 FRR have not been addressed or included in the 2013 FRR methodology.

Field (2007) stated that future efforts for monitoring erosion in the Turners Falls Pool must utilize a consistent, well-documented technique for identifying erosion sites that is conducted in the early Spring or late Fall when bank exposures are least obscured by vegetation: "*such a technique should be based on the types of erosion observed and stage of erosion present not proxies for erosion or erosion susceptibility such as the amount of vegetation, percentage of exposed soil, bank height and slope, or soil type*". [emphasis added].

FirstLight disregarded these recommendations. Instead, both the 2008 and 2013 FRR methodologies (Tables 3.1-1 and 3.1-2) **use all of the "proxies for erosion or erosion susceptibility" described by Field.** The spatial and temporal extent of the erosion cannot be documented by the methods proposed for the 2013 FRR. We urge an approach that documents the type and stage of erosion according to Field (2007) so that maps can be generated that show, for example, the linear extent and location of all types and stages of erosion. Knowing this information is critical to any efforts to understand the causes of erosion, which FirstLight proposes to do in Study 3.1.2. **Data that are proxies for erosion should not be used as data in the study to determine the causes of erosion.**

In addition to completely revising the 2013 FRR methodology, there are two tasks that could be added to Study 3.1.1 to provide data that would be informative to the relicensing process. They are:

1. The photographic log of the riverbanks compiled during the fluvial geomorphology study (Field, 2007) should be updated during the 2013 FRR to provide a method for visually identifying and confirming the condition and location of eroding banks. Re-photographing the riverbanks periodically from the same locations will provide a means of identifying new erosion sites or, conversely, areas that are stabilizing. Unfortunately, this simple, relatively low cost recommendation was not implemented in the 2008 FRR or proposed for the 2013 FRR. A wealth of information can be easily gleaned from photographs and photographic logs that are

updated over time.

2. Field (2007) recommended that the initial photographic log compiled during his study be compared with continuous digital image logs taken during 2001 and 2004 (NEE, 2005). We would add the continuous digital image logs taken for the 2008 FRR and the 2013 FRR to this list.

### Proposed Study 3.1.2 Northfield Mountain/Turners Falls Operations Impact on Existing Erosion and Potential Bank Instability

FirstLight's proposed study does not build upon the findings and recommendations in the Field (2007) report. Dr. Field reviewed and summarized the previous work that had been done by the Army Corps of Engineers and others to understand the erosion occurring in the Turners Falls Pool. According to Field (2007), conditions in the Turners Falls Pool create a situation where the riverbanks are near the threshold of erosion. An important opportunity has been missed to build upon scientifically sound and well-documented work. We urge FERC to require the Study Plan be revised to provide scientifically sound and defensible data.

## **4.0 Studies not Included in the PSP**

### **4.1 Geology and Soils**

#### *4.1.1 Study of Shoreline Erosion Caused by Northfield Mountain Pumped Storage Operations*

As a point of clarification, NOAA's National Marine Fisheries (NMFS), a Federal resource agency, also requested this study (study request 6.14) in their comments filed on March 1, 2013. NMFS was not listed as requesting this study. The goals and objectives of this study, as stated in several stakeholders' requests, including the Town of Gill, would be to determine the environmental effects of the presence and operation of the licensed facilities on river bank stability, shoreline habitat, agricultural farmland, wetland resources, bed substrate, and water quality in the Turners Falls impoundment.

FirstLight dismissed the Relevant Resource Management Goals (18 CFR Section 5.9(b)(2)) listed by the town by stating that we, along with other stakeholders that requested the study, were not resource agencies. NMFS is a federal resource agency and listed among their numerous resource management goals was the concern that elevated levels of suspended sediment are associated with a diminution in water quality which also affects the quality of habitat encountered by *trust resource species*. [emphasis added]

FirstLight omitted the study requested by NMFS, the Town of Gill, FRCOG and other stakeholders. FirstLight argued that certain requested tasks should not be done because FERC uses current conditions as its baseline for evaluating project effects and alternatives. This is not a valid argument. The baseline conditions should, at a minimum, bracket the timeframe for data analysis to the year the Northfield Mountain pumped storage project came on-line to the present day; however, current conditions, meaning what we see today, and future conditions under which the project will operate, cannot be evaluated in any meaningful way without an appropriate context. We understand that TransCanada is assembling and reviewing historical data as part of their study plans related to understanding erosion in the upper reach of the river. We assert that a similar level of effort is required for the Turners Falls Pool. We are asking for a reasonable time period, a reasonable context within which collected data will be evaluated

to assess the impacts of project operations in the Turners Falls Pool, and cumulative impacts of all five projects on the river.

We are dismayed that FirstLight would assert that it “is unclear how the requested data would inform potential PME measures.” (page 4-3). Understanding how project operations affect the river, its banks and other resources is critical to designing appropriate PME measures. **Giving the erosion issue “short shrift” in the Study Plan process will ensure that inadequate and suspect data informs potential PME measures.**

We request that FERC direct FirstLight to add the following tasks from NMFS’, the Town of Gill’s, FRCOG’s and other stakeholder’s study request – *Study of Shoreline Erosion Caused by Northfield Mountain Pumped Storage Operations* to FirstLight’s proposed study 3.1.2.

1. This study should determine the net soil loss in cubic yards between when the pumped storage project came on-line and the present; a density estimate of the eroded material should also be provided. Provide an analysis of where the greatest loss has occurred, location of proximity to the tailrace, soil type, riparian land use, and vegetative cover in that area. Calculate nutrient loadings (nitrogen and phosphorus compounds) to the river system based on soil loss.
2. Obtain copies of the original survey plans for the project (Exhibit K), and complete a new survey using the same landmarks used previously. The Field (2007) report states on page 11 that the original survey plans of the river are still retained by Ainsworth and Associates, Inc. of Greenfield MA. Use pre-operation aerial photos and current aerial photos to complete a 10-foot topographic map of the section of river between Turners Falls Dam and Vernon Dam and the 200-foot buffer regulated under the Massachusetts Rivers Protection Act. The Field (2007) report on page 11 states that Eastern Topographics, Inc. determined that sufficient information is known about the 1961 aerial photos (e.g., height of airplane) to create a 10-foot topographic map of that time period, and that 1961 aerial photos could be accurately overlaid with recent aerial photos. Field (2007) states that this analysis would enable a more reliable determination of small-scale shifts in channel position and changes in bank height that may have resulted from the erosion of a low bench that previously existed along portions of the river and help identify areas of the most significant bank recession during the past 45 years. Among other things, create a single map showing areas of erosion and deposition, and also overlay the Field report’s hydraulic modeling analysis of the river channel. ”
3. Complete detailed surficial mapping (topographic map or LIDAR) to identify the various geomorphic surfaces, height of benches/terraces above the river level, and types of sediments underlying the surfaces. This will allow one to determine how erosion varies with geomorphic conditions. One could then normalize the amount of erosion to a specific type of bank material/geomorphic surface/terrace.

FirstLight’s reason for not conducting LIDAR, which they said was too expensive and other topographic data was available, is not valid for two key reasons. First, the data FirstLight proposes to use, the USGS 10 meter digital elevation model, does not have sufficient resolution to determine how erosion varies with geomorphic conditions. Second, TransCanada is using LIDAR for the northern reach of the river and consistent data is needed to enable FERC to evaluate both individual project impacts and cumulative impacts.

In closing, we request having a local representative from the FRCOG, Franklin Conservation District, Gill Conservation Commission, or Landowners and Concerned Citizens for License Compliance accompany FirstLight when they conduct the FRR.

The Town of Gill looks forward to continuing our active engagement in the relicensing of the Turners Falls Dam and Northfield Mountain Pumped Storage Projects.

Sincerely,

Town of Gill Conservation Commission

/s/Chris Polatin, Chair

/s/Paul Sievert

/s/Amy Gordon

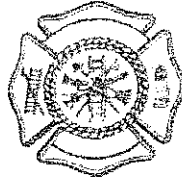
Town of Gill Selectboard

/s/John R. Ward, Chair

/s/Randy P. Crochier

Cc: John Howard, First Light Hydro generating Company  
Robert McCollum, MA Department of Environmental Protection  
Robert Kubit, MA Department of Environmental Protection  
Bethany A. Card, MA Department of Environmental Protection  
Michael Gorski, MA Department of Environmental Protection  
Brian Harrington, MA Department of Environmental Protection  
Peggy Sloan, Franklin Regional Planning Board  
Tom Miner, Connecticut River Streambank Erosion Committee  
Ken Hogan, Federal Energy Regulatory Commission  
Chris Chaney, Federal Energy Regulatory Commission  
Congressman James McGovern  
Jennifer Soper, MA Department of Conservation and Recreation  
Paul Jahnige, MA Department of Conservation and Recreation  
Senator Stan Rosenberg, Massachusetts State Senate  
Senator Benjamin Downing, Massachusetts State Senate  
Representative Denise Andrews, Massachusetts House of Representatives





# Gill Fire Department

196A MAIN ROAD • GILL, MA 01354 • (413) 863-8955 • FAX: (413) 863-0126

## Memorandum

**To:** Gill Selectboard  
**From:** Chief Gene Beaubien *GB*  
**Date:** July 8, 2013  
**Re:** PO's for Annual Expenses FY-14

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Per my conversation with Ray, I am submitting a list of annual expenses that go over the \$500.00 Purchase Order limit. Instead of submitting individual PO's I am submitting one list.

Franklin Regional Council of Governments County radio maintenance contract	\$1308.08
NFPA Annual Code update	\$1165.50
High Pressure Systems Annual service on SCBA refill compressor	\$700.00
ACS Software Systems Software for state mandated reporting	\$650.00
Rose Ledge Annual Truck Service	\$500.00/ truck

*John R. Ward*  
*Gene Beaubien*  
*[Signature]*



**WAIVER OF RIGHT OF FIRST REFUSAL**

**BY TOWN OF GILL**

**Re: 61B Lien at Book 5879, Page 155**

- A. Map 222, Parcel 17  
Book 1866, Page 169  
Acres classified: 12.64
  
- B. Map 222, Parcel 18 & 18.1  
Book 1669, Page 343 & Book 5858, Page 69  
Acres Classified: 3.8

**Seller:**

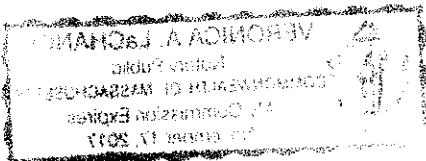
Elsa Cana Yarmac  
91 Main Road  
Gill, Massachusetts

**Buyer:**

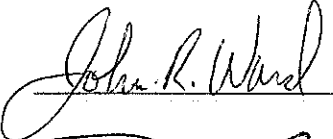
Wesley E. Johnson  
416 Millers Falls, Road  
Northfield, Massachusetts


As requested by Seller, Elsa Cana Yarmac and having receipt of Wesley E. Johnson having entered into a purchase and sale agreement with the owner of the above described premises and their submitting requests to remove the premises from 61B, the Town of Gill will not exercise any Rights of First Refusal against the above described premises and the Town of Gill waives its Right of First Refusal.

The Town's Tax Collector will calculate any and all rollback/conveyance taxes which are to be paid at closing.



Board of Selectmen  
Town of Gill

 , John R. Ward, Chair

 , Randy P. Crochier, Board Member

 , Ann H. Banash, Board Member

COMMONWEALTH OF MASSACHUSETTS

Franklin, s. s.

July , 2013

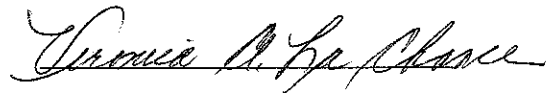
On this 15 day of July, 2013, before me, the undersigned Notary Public, personally appeared

John R. Ward

Randy P. Crochier

Ann H. Banash

Selectmen for the Town of Gill, and proved to me through satisfactory evidence of identification, which was Driver's License, to be the persons whose names are signed above or on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Notary Public:

My Comm. Exp.:

